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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LARRY G. MERRILL,

11 Plaintiff,

12 v.

13 ICICLE SEAFOODS, INC.,

14 Defendant.

15 Case No. C04-1721L

16 ORDER DENYING DEFENDANT'S
17 MOTION FOR SUMMARY
18 JUDGMENT

19 This matter comes before the Court on "Defendant's Summary Judgment Motion
20 Dismissing Claims." Dkt. # 32. Based on the case management order that governed this action
when the motion was filed, defendant argues that plaintiff is unable to produce admissible
evidence to support his claims that his injuries were caused by a negligent or unseaworthy
condition aboard the DISCOVERY STAR or that he is entitled to maintenance and cure.

21 Defendant's motion for summary judgment is DENIED. The Court has already
22 determined that plaintiff fell ill while in the service of the vessel, that there is no evidence that
23 plaintiff has reached maximum medical recovery, and that defendant must guarantee payment of
plaintiff's medical expenses related to reasonable diagnostic testing and must reinstate
24 maintenance payments to plaintiff as previously indicated. See "Order Granting Motion to
25 Continue and Granting in part Motion to Bifurcate and Pay Maintenance and Cure" (Dkt. # 37).
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28 ORDER DENYING MOTION FOR
 SUMMARY JUDGMENT

1 The Court has also granted plaintiff's motions to bifurcate his Jones Act and unseaworthiness
2 claims and to continue the trial date to allow plaintiff additional time in which to obtain medical
3 diagnosis/treatment and establish a causal relationship between the conditions on board the
4 DISCOVERY STAR and his illness. Summary judgment on these claims would be premature.

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6 DATED this 9th day of December, 2005.

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9 Robert S. Lasnik
10 United States District Judge